IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO :3623 of 2007

Dated: 5th March 2007.

Between:

The District Panchayat Officer, Mahaboobnagar, Mahaboobnagar District and another.

..... PETITIONERS

AND

S.Kasi Reddy, Panchayat Secretary, Mahaboobnagar District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

W.P.NO.3623 OF 2007

ORAL ORDER:

(per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order dated 13-12-2005 in O.A.No.1261 of 2004 with V.M.A.No.747 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, the respondents therein preferred the present writ petition.

The respondent herein was working as Executive Officer/Special Officer, Gaddiannaram Gram Panchayat. While he was working so, in the year 1983-84l, he engaged two persons as NMRs for the Gram Panchayat, which according to the writ petitioners, was not in accordance with law. Fifteen years after the alleged irregularity, the petitioners herein issued a charge-memo dated 08-09-1998 to the respondent, further details may not be necessary for the present purpose, except to state that an enquiry was conducted and pursuant to the enquiry, the respondent was sought to be reverted by one rank by an order dated

05-11-2001, which eventually, came to be communicated to the respondent on 16-02-2004. The Administrative Tribunal set aside the impugned order and the reasons as set out by it as follows:

> "On a perusal of the impugned order, it is seen that, it is a draft order, put up for approval and the impugned order do not bear the signature of the Commissioner of Panchayat Raj. It also does not bear the date of the order. Further, it is an admitted fact

> that, the said order has been communicated to the applicant in the year 2004. This fact is clear on a perusal of Memo No. 11251/CPR & RE, dated 27.2.2004, wherein the Commissioner of Panchayat Raj has addressed a Memo to the District Panchayat Officer, calling for explanation for committing inordinate delay, in communicating the orders of punishment. At any rate, on a perusal of the order, which is impugned herein, it cannot be said that, final orders of punishment in consequence to the Disciplinary Proceedings, are passed. The orders are at the draft approval stage. For non-communication of the orders by the respondent-authorities, the applicant cannot be penalised. Now, as the applicant has been retired from service, the question of giving any order, which seeks to inflict the punishment of reversion does not arise."

The observation of the Tribunal that the order dated 05-11-2001 is not signed by the Commissioner of Panchayat Raj, is contested by the petitioners herein. The learned Government Pleader for Services-II, produced the original records pertaining to this case, before this Court and from the same, it is clear that the order was, in fact, signed. That apart, the fact remains that the said order, which is signed on 05-11-2001, was not, admittedly, communicated to the respondent till 16-02-2004.

In the circumstances, we do not see any reason to interfere with the conclusion reached by the Tribunal though the observations regarding the order of the Commissioner of Panchayat Raj, dated 05-11-2001, are not accurate.

The writ petition is, therefore, dismissed at the stage of admission.

J.Chelameswar, J

P.Swaroop Reddy, J

mrk

5th March 2007